

VIA TELEFACSIMILE

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Kolesnick et al. Confirmation No.: 8412  
 Serial No.: 09/928,872 Art Unit: 1644  
 Filed: August 13, 2001 Examiner: Huynh, Phuong N.  
 For: METHODS FOR THE MODULATION OF ACID-SPHINGOMYELINASE-RELATED APOPTOSIS Attorney Docket No.: 6923-106

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Commissioner for Patents  
 P.O. Box 1450  
 Mail Stop AF  
 Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision dated January 30, 2004 of the Primary Examiner finally rejecting claims 10 and 11 of the above-identified application.

The item(s) checked below are appropriate:

1. ☐ An extension of time for responding to the final rejection for \_\_\_\_\_ month(s):  
☐ was filed on \_\_\_\_\_  
☐ is submitted herewith.
2. ☒ A timely response to the final rejection has been filed.
3. ☐ A fee in the amount of \$330.00 is:  
☐ Required.  
☐ Not required (Fee paid in prior appeal).
4. ☒ Applicant has qualified for the 50% reduction in fee for an independent inventor, non-profit organization or small business concern and a fee in the amount of \$165.00 is:  
☐ Required.  
☒ Not required (Fee paid in prior appeal).
5. ☒ Please charge the required fee, if any, to Jones Day Deposit Account No. 503013. A copy of this sheet is enclosed.

FEE VALUE	
ACCOUNT NO.	
503013	
FEE CODE	VALUE FURNISHED
2401	165

Respectfully submitted,

Date: April 12, 2004

*Geraldine F. Baldwin* 31,232  
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NYID: 151761.1

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